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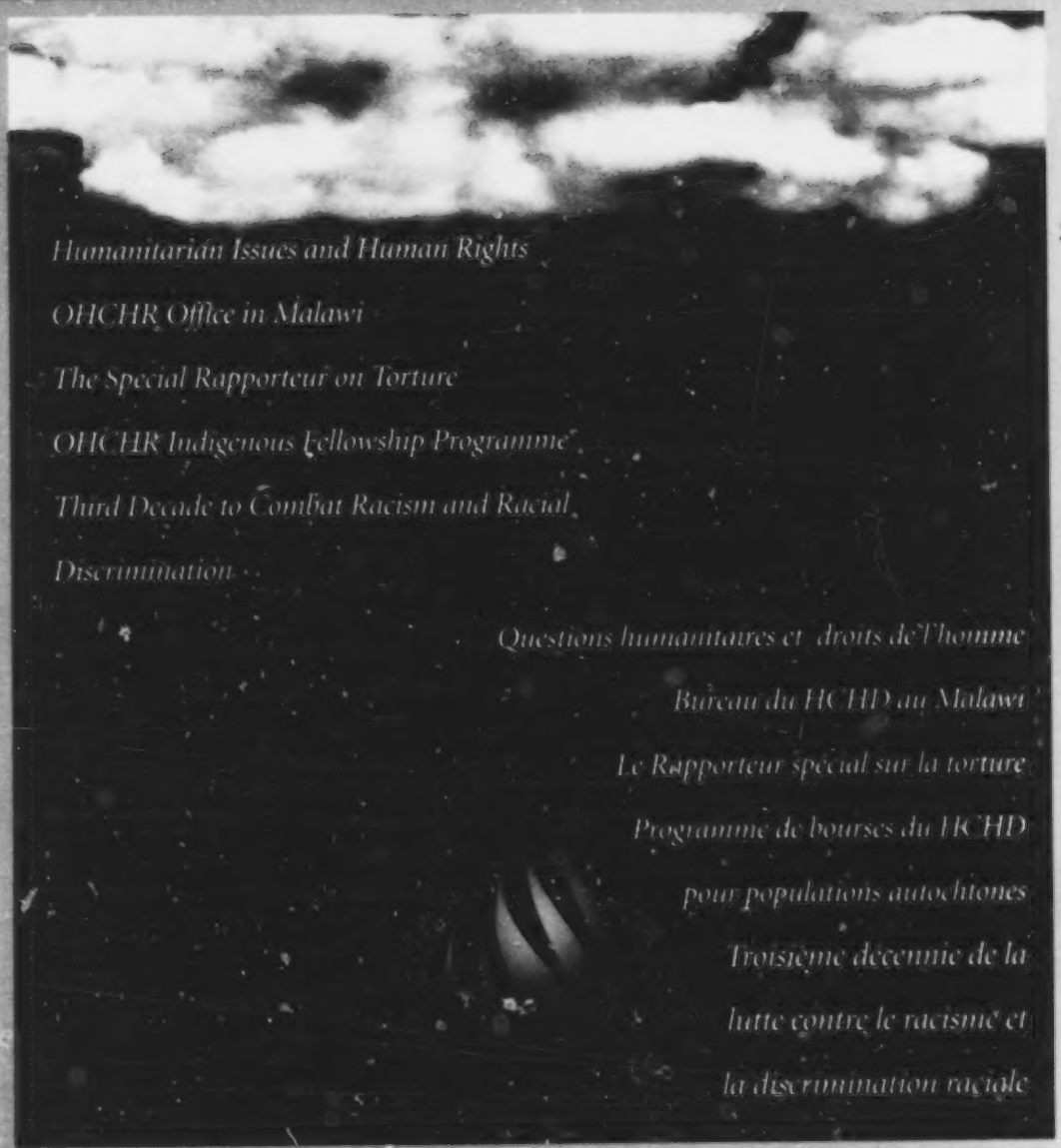

Humanitarian Issues and Human Rights

OHCHR Office in Malawi

The Special Rapporteur on Torture

OHCHR Indigenous Fellowship Programme

Third Decade to Combat Racism and Racial Discrimination

Questions humanitaires et droits de l'homme

Bureau du HCHD au Malawi

Le Rapporteur spécial sur la torture

Programme de bourses du HCHD pour populations autochtones

Troisième décennie de la lutte contre le racisme et la discrimination raciale

N° 3 Été 1998

Droits de l'homme

REVUE TRIMESTRIELLE DU HAUT COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME

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EDITORIAL

Tous les jours, nous sommes témoins de drames touchant les personnes forcées de fuir leur maison et même leur pays à cause de la guerre, de la persécution, de la famine, des épidémies ou des catastrophes naturelles. Ce sont ces situations humanitaires d'urgence qu'il nous faut affronter : des situations complexes qui appellent une réponse coordonnée. Pour qu'elles soient prises en compte effectivement, une coopération solide est requise au niveau de toutes les institutions et programmes des Nations Unies.

Je suis par conséquent ravie que l'aspect central de ce sujet concerne l'interface entre les questions humanitaires et celles relatives aux droits de l'homme. Mon Bureau travaille en collaboration avec le Service de la Coordination pour les Affaires Humanitaires ainsi qu'avec d'autres Départements et Programmes des Nations Unies, dans le but d'améliorer les échanges d'information, déjà substantiels, et d'intégrer les préoccupations en matière de droits de l'homme à toutes les situations qui posent problème, avant qu'elles ne se transforment en crises graves. Il nous revient de mettre davantage l'accent sur la prévention mais, malheureusement, les crises persistent. Ce n'est qu'en garantissant une coopération effective, à la fois en termes de préparation et de réponse qu'il nous sera possible de soulager la peine de millions de personnes vivant dans la détresse.

D'autres articles fournissent un aperçu sur le bureau du HCDH au Malawi; sur le Rapporteur Spécial sur la torture, et sur la coordination de celui-ci avec les autres mécanismes de protection des droits de l'homme; sur le Programme de bourses du HCDH pour les populations autochtones; et sur l'importance de la Troisième Décennie des Nations Unies contre le Racisme et la Discrimination Raciale, dans le cadre de laquelle la Conférence Mondiale contre le Racisme et la Discrimination Raciale, la Xénophobie et l'Intolérance sera organisée d'ici l'an 2001.

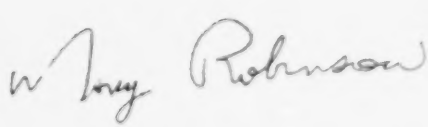
Les dernières pages de la revue sont consacrées aux publications du HCDH. L'une des priorités de mon Bureau est la production et la distribution, dans le cadre de notre budget limité, des publications, telles que *Droits de l'homme*, qui permettent d'accroître la compréhension et la prise de conscience des droits de l'homme et des libertés fondamentales.

Everyday we witness tragedies of people forced to flee their homes and even their countries because of war, persecution, famine, epidemics or natural disasters. These are the humanitarian emergencies we have to face: complex situations that require a coordinated response. To be effectively dealt with they demand the committed cooperation of all UN agencies and programmes.

I am therefore pleased that the focus of this issue is the interface between humanitarian issues and human rights. My Office is working with the Office for the Coordination for Humanitarian Affairs and other Departments and Programmes in the UN system to enhance the already substantive exchanges of information and to integrate human rights concerns in all problem situations before they become serious crises. We must put more emphasis on prevention but, sadly, the crises continue. Only by guaranteeing effective cooperation, both in terms of preparedness and response, will we be able to bring relief to the millions of people living in distress.

Other articles provide an insight into the OHCHR field office in Malawi; the Special Rapporteur on torture and coordination with other human rights mechanisms; the OHCHR indigenous fellowship programme, and the importance of the Third United Nations Decade against Racism and Racial Discrimination within the framework of which the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance will be organized by the year 2001.

The last few pages of the magazine are devoted to OHCHR publications. One of the priorities of my Office is the production and distribution, within our limited funding, of publications such as *Human Rights*, which increase understanding and awareness of human rights and fundamental freedoms.



Mary Robinson

High Commissioner
for Human Rights

Interface between Humanitarian Issues and Human Rights

The root of humanitarian disasters, refugee flows or mass exoduses often stems directly from violations of human rights. Addressing the cause is as essential to preventing humanitarian tragedies similar to those experienced in Rwanda or in the countries of the former Yugoslavia as it is to the search for comprehensive solutions. A continuum between human rights law and humanitarian law is necessary; protection of the victim should be the overriding concern of the United Nations and its agencies and programmes.

Since 1948, the UN has developed a comprehensive body of international standards and norms for the promotion and protection of human rights, the major instrument being the international bill of human rights. In 1970, the General Assembly adopted a number of resolutions which recognized that fundamental human rights as accepted in international law and international instruments continue to apply in situations of armed conflict.

While the first World Conference on Human Rights held in Tehran in 1968 did not explicitly refer to humanitarian law in its proclamation, it affirmed that humanitarian principles must prevail during periods of armed conflict. The Vienna Declaration and Programme of Action, the concluding document of the 1993 World Conference on Human Rights, called on all States and parties to armed conflicts to adhere strictly to humanitarian law as well as to minimum standards for protection of human rights as laid down in international conventions. The Conference also recognized the gross violation of human rights as one of the major factors leading to the displacement of people and expressed grave concern over continuing violations of human rights in all parts of the world – in disregard of international standards – and the lack of adequate and effective remedies for the victims.

Human rights and humanitarian law, once clearly distinguishable segments of international law, are increasingly being viewed in an integrated and holistic manner, where the individual has a continuum of protection under human rights law as well as that provided under humanitarian law, as warranted by the specific circumstances.

EARLY WARNING AND PREVENTIVE ACTION

The Office of the UN High Commissioner for Human Rights (OHCHR), as an institution devoted to the promotion and protection of all human rights, emphasizes the value of early warning and preventive action aimed at deterring human rights violations and defusing situations with the potential for humanitarian disasters. The information and findings of UN human rights experts (special rapporteurs, special representatives, experts of human rights treaty-based bodies), complemented by those submitted by UN human rights field offices, represent a valuable contribution to any early warning mechanism of the UN in this area.

OHCHR recognizes that the wealth of information at its disposal needs to be systematically organized and analyzed if it is to be an effective and useful tool. The objectives are to strengthen the early warning capacity of the UN in the humanitarian field, enhance the substantive exchanges between OHCHR, the Office for the Coordination of Humanitarian Affairs (OCHA) and other Departments and Programmes, and to integrate human rights concerns before crises arise, thus guaranteeing effective cooperation both in terms of preparedness and response.

PREPAREDNESS AND TRAINING

Human Rights training should be considered part of the overall training background of all UN humanitarian staff. The Office of the High Commissioner is developing a human rights manual for all UN staff members which will be available soon. The manual will cooperate with the Complex Emergency Training Initiative (CETI) as well as with the UN staff

Photo: OHCHR

Children in the Internally Displaced Persons Camp in Bilasvvar, Azerbaijan, June 1998

college in Turin on the question of initiatives aimed at familiarizing all UN staff with international human rights standards.

As possible immediate steps, contacts should be established with Human Resources Management (OHRM) and the UN Staff College Project with a view to integrating human rights into the courses held at Headquarters and at the College. Training of UN humanitarian staff in the field, as well as staff at Headquarters and new recruits, in human rights standards, monitoring methodology, technical cooperation procedures and other topics, should be given priority attention. A mechanism could be established so that *all* newly recruited staff undergo appropriate human rights training. In the case of field staff, one or more officers could be appointed as trainers and delegated the responsibility for providing on-site training to all field staff, based on OHCHR training materials.

In regard to the human rights aspects of UN humanitarian operations, it is important to learn from past experience and to attempt to integrate human rights concerns whenever possible, to include human rights experts in large-scale humanitarian operations, and to emphasize the protection and promotion of human rights, including the creation of viable national human rights institutions capable of preventing the recurrence of similar humanitarian crises.

When a humanitarian operation is considered, the human rights dimension should be part of the planning, requiring close cooperation between OCHA, the UN High Commissioner for Refugees (UNHCR) and OHCHR. While the need and opportunity for inclusion of human rights field officers or advisers within humanitarian operations will vary, an explicit human rights strategy would be pivotal to the planning of major humanitarian efforts. The strategy could be of an advisory nature and/or cover training and institution-building issues.

Humanitarian staff, particularly in the field, should be fully conversant with human rights standards and procedures. The effectiveness of the UN machinery and mechanisms in the field of human rights would be enhanced through more consistent use of these procedures by humanitarian workers, resulting in a greater degree of protection for individuals and other vulnerable groups. Procedures on how this information would be handled could be discussed in-depth between OHCHR and the various humanitarian actors so as to preserve their mandates, independence and specific missions.

OHCHR'S PROJECT FOR IDPS

OHCHR's global project for internally displaced persons (IDPs), in the context of its technical cooperation programme, is a good example of humanitarian and human rights interfacing. According to the Representative of the Secretary-General on IDPs, internally displaced persons are: "Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border".

Internal displacement constitutes one of the greatest challenges confronting the international community. Unlike refugees, whom IDPs greatly outnumber, there exists no single agency to assume responsibility for the promotion and protection of the rights of IDPs. A Representative on IDPs was appointed by the Secretary-General at the request of the Commission on Human Rights in 1992, his mandate supported by OHCHR. The Representative's mandate is concentrated on three main areas:

(1) developing an appropriate normative framework for meeting the protection, assistance, reintegration and development needs of IDPs: significant progress has been made in this direction over the past few months with the formulation by the RSG of Guiding Principles on Internal Displacement. The Guiding Principles consolidate in one document the rights and guarantees relevant to the protection of persons from forced displacement and to their protection and assistance during displacement as well as during return or resettlement and reintegration. They are intended to provide practical guidance not only to the RSG but also to States and other authorities, intergovernmental organizations, NGOs and all other groups and persons with a role to play in addressing the needs of IDPs;

(2) fostering effective institutional arrangements for addressing these needs; and

(3) focusing attention on specific situations of internal displacement with the aim of ensuring that they are effectively addressed. The Secretary-General recognizes that addressing the plight of IDPs is a priority for the international community. Over the past

OHCHR'S PROJECT FOR IDPS

Ensuring the rights of IDPs worldwide to protection and assistance presents the international community with one of the most daunting challenges of our time. Under its technical cooperation programme, OHCHR's global project for IDPs, relying on effective institutional arrangements, will be implemented jointly with the Representative of the Secretary-General (RSG) on IDPs, with the objective of making the rights of some 25 million IDPs a reality.

The broad scope of priority activities to be put in place will guarantee the widest possible distribution of the Guiding Principles on Internal Displacement as well as other related materials – a Training Manual and Fact Sheets are examples – in the official UN languages and, as appropriate, local languages; field offices will rely on the Guiding Principles for the technical guidance essential in their monirtoring and reporting functions. Educational and training activities will be provided primarily at the national level, in response to requests from Member States. Workshops on IDP-related issues will be attended by the RSG and his support staff. Interagency needs assessment missions will utilize staff seconded for that purpose. The project will also ensure a focus on IDP activities by the treaty bodies and the mechanisms of the Commission on Human Rights in Geneva.

The compilation and analysis of legal norms relating to IDPs – the main document on which the Guiding Principles are based – will be produced in the official UN languages in a later phase of the project.

few years, OHCHR, in addition to supporting the work of the Representative, has become increasingly involved with IDPs in its own right.

OHCHR is developing a global project for internally displaced persons (IDPs) in the context of its technical cooperation programme. The aim of the project is to meet the growing operational requirements of the Representative, particularly in the areas of promotion, education, training, and strengthening of national capacities. The objective is to provide the necessary resource requirements to meet the commitments undertaken by OHCHR on behalf of IDPs. The project also identifies possible future activities of OHCHR which could be initiated on behalf of IDPs, on condition that sufficient institutional capacity for mandated tasks and other commitments is first ensured. It will provide a framework for action by OHCHR and the Representative of the Secretary-General on the basis of individual requests from member states for activities at the national level or occasionally in a regional or sub-regional context.

Photo: OHCHR

The Representative of the Secretary-General on IDPs, Dr. Francis Deng, with a group of internally displaced persons in Xatai District, Baku, Azerbaijan, June 1998

INTERNATIONAL CRIMINAL COURT (ICC)

As long as crimes of torture, rape and murder go unpunished, we cannot hope to prevent their recurrence. Those who contemplate indiscriminately attacking civilians, or forcing them out of their homes simply on account of their ethnicity or religion, must know that there is a price to pay for such actions. This justifies the pertinence of UN efforts to date to demand accountability – the establishment of the ad hoc criminal tribunals for former Yugoslavia and Rwanda is a case in point. Mary Robinson, High Commissioner for Human Rights, addressed the Diplomatic Conference in Rome on 15 June concerning the finalization and adoption of the statute for a permanent ICC.

We look forward to cooperating closely and developing an effective modus operandi with the ICC in due course.

Indeed, the relationship of the ICC and UN human rights and humanitarian actors and institutions is a subject which elicits considerable interest. Discussion and analysis will complement OHCHR's ongoing efforts to facilitate access to the information available from treaty bodies and mechanisms of the Commission on Human Rights, to quantify and measure human rights progress (or lack of it) so that benchmarking becomes possible and readily available within the UN.

CONCLUSION

There is a broad space for forging effective linkages between humanitarian assistance and human rights programmes. The separate mandates and different methods of work can produce a remarkable added value if perceived as complementary and mutually supportive and if we maintain the focus of all we do to increase the extent of protection for the victims.

Gianni Magazzeni

54th Session of the Commission on Human Rights: an Analysis (16 March - 24 April 1998)

The observance of the 50th anniversary of the Universal Declaration of Human Rights and the concurrent 5-year Review of the Implementation of the Vienna Declaration and Programme of Action provided the opportunity to take measures to rationalize the work of the Commission. Delegations obviously sought to establish constructive dialogue and cooperation accompanied by genuine transparency.

A certain depoliticization of human rights issues was apparent and steps were taken to avoid North/South confrontation in the work of the Commission, although areas of friction remained, particularly in the context of the discussion on violation of human rights in all parts of the world. This improved working atmosphere was the result of the skill and efforts demonstrated by the Chairman, Ambassador J. Selebi of South Africa: one of the resultant achievements was the adoption, by consensus, of the comprehensive resolution on the right to development, with most delegations welcoming the constructive attitude that had prevailed throughout the negotiation of the draft; the draft resolution on slavery was not, however, put to a vote so as to facilitate continuing consultations during the coming months as a means of reaching consensus.

An unusually high number of guest speakers (70), including President Havel of the Czech Republic and Prime Minister Jospin of France, addressed the Commission to mark the 50th anniversary of the Universal Declaration of Human Rights following the Forum of Heads of UN Specialized Agencies chaired by the Secretary-General on 16 March 1998. Again, a visible trend emerged from these statements towards cooperation and dialogue in the field of human rights and recognition of the importance of national capacity-building and technical cooperation. References to other countries' behaviour were significantly less numerous than in previous years. Also, a number of speakers responded positively to the High Commissioner's earlier call for contributions – even of a symbolic nature – to OHCHR Trust Funds.

HUMAN RIGHTS DEFENDERS

After 13 years of work, the draft Declaration on Human Rights Defenders was approved during the session. Its adoption at the General Assembly will be an important contribution to the 50th Anniversary of the Universal Declaration of Human Rights. However, the assassination of a Colombian human rights activist during the session was a brutal reminder of the price being paid by so many who devote their lives to the protection of human rights, emphasizing that adoption alone falls short of the objective: declarations need implementation. Both the Chairman and the High Commissioner included in their closing remarks a reference to the need to implement fully the principles contained in the Declaration and to ensure that no one who attended the session need fear persecution when he/she returned home.

NEW MANDATES

The adoption by consensus of a resolution on the right to development and the creation of new mandates to report on economic, social and cultural rights constituted one of the most encouraging developments of this particular session. A significantly higher visibility is, in consequence, conferred on these rights and such a trend will reinforce efforts to foster a rights-based approach across the whole spectrum of civil, cultural, economic, political and social rights and better promote and protect the realization of the right to development. This process also underlines the fact that the High Commissioner's mandate places a particular emphasis on ensuring the full realization of the latter, a right which can be considered as a synthesis of civil, political, economic, social and cultural rights. This more balanced approach by the Commission is welcomed, although it undoubtedly generates mounting demands on OHCHR despite its restricted resources. It remains to be seen to what extent the adoption of the Chairman's resolution appealing to the Secretary-General, the Economic and

Photo UN Malherbe

A session of the Commission on Human Rights – The Commission, this year, adopted 83 resolutions and 13 decisions, most by consensus

Social Council and the General Assembly to take steps to secure sufficient resources to enable the Office to discharge the responsibilities and mandates established by member states, will be of assistance.

GENDER ISSUES

A special meeting on 6 April 1998 was devoted to the question of integrating gender issues into the work of the Commission; this enabled the emergence of a dialogue between the Commission on Human Rights and the Commission on the Status of Women. That debate was strongly supported by the Division for the Advancement of Women and the Office. It was felt that this year constituted a unique opportunity to reinforce the links between the work of the Commission on the Status of Women and the Commission on Human Rights. The debate provided an opportunity to promote the fact that the human rights of women are an inalienable part of universal human rights. This was also a promising beginning on which to build understanding of the issues and the roles of both bodies. The chairman announced that this initiative would be followed up next year with one or two meetings being envisaged on similar issues, with a particular focus, for instance, on children's rights.

NATIONAL INSTITUTIONS

The session also enhanced the Commission's recognition of the role of national institutions in the promotion and protection of human rights. As a reflection of their independence from Governments, national institutions addressing the Commission did so from a special section of the floor set aside for this purpose and not from the seat of their respective government delegations, as had been the case in previous years. OHCHR places considerable importance on this approach to national capacity-building based on the Paris Principles adopted in 1992 which require such bodies to be genuinely independent and have appropriate resources and powers to discharge their responsibilities effectively.

NEW AGENDA

The new agenda adopted for next year's session will reduce the number of items from 26 to 21; this will place both the human rights of women and a gender perspective on the Commission's agenda for the first time, enable evaluation of how the Declara-

Photo I. Bianco

Mrs. Mary Robinson and the Chairman of the 54th session of the Commission on Human Rights, Ambassador Jacob Selebi

tion on Human Rights Defenders is implemented and provide for an annual review of the Commission's work and the corresponding agenda. This somewhat unexpected agreement on a reformed agenda must, again, be seen as the result of considerable personal effort and a commensurate achievement on the part of the Chairman of the Commission.

REVIEW OF THE MECHANISMS

At the opening of the session, the incoming Chairman recognized that the Commission had to be relevant and credible and take an integrated and cooperative approach. Important developments over the past few years had suggested that the mechanisms of the Commission were not working as they should. He further stated that there seemed to be an opportunity to address the issue, not by weakening mandates, as some feared, or by frustrating them as favoured by others, but to make them more effective and enhance their relevance. He thus proposed a review of all the mechanisms, encompassing the Commission, the Sub-Commission, the Working groups and the special procedures. After six weeks of intense discussion, the Chairman's statement was approved on the matter. This review of the Commission's mechanisms is intended to address all bodies and mechanisms which report to the Commission. It will be undertaken by the members of the bureau who will initiate consultations – including open-ended consultations – with States, regional groups, NGOs, and the High Commissioner. It may be of interest to report that a parallel study of the treaty body system by two academic institutions, one in the North and one in the South, will be undertaken. The Office looks forward to close cooperation on this review which is intended to complement the High Commissioner's responsibility to streamline and improve the efficiency of the human rights programme; an internal Task Force has been established in the Office for that purpose.

SPECIAL RAPPORTEURS

Special Rapporteurs and Representatives as well as Chairpersons of the Commission's Working Groups have always had too few opportunities to report fully to the Commission on their activities in previous years. This is a recurrent problem which successive sessions had tried to address with little positive result. During this session, a new informal procedure was established by the Bureau whereby Special Rapporteurs or Representatives took part in Question and Answer sessions with representatives of NGOs and delegations. In more general terms, the relationship between the Commission and Special Rapporteurs needs to be strengthened and this particular issue will have to be taken up in the context of the review of the mechanisms. The Bureau of the Commission initiated discussion on the matter at the 5th Meeting of Special Rapporteurs/Representatives/Experts and Chairpersons of Working Groups of the Special Procedures of the Commission and of the Advisory Services Programme, on 28 May 1998.

STATISTICS

In his concluding remarks, the Chairman indicated that the Commission had adopted 83 resolutions, 61 by consensus, 18 by roll-call vote and 4 by show of hands, as well as 13 decisions. 75% of these resolutions and decisions were adopted by consensus. He added that 3118 participants attended the session, a markedly significant increase over the 1997 level of 2341 participants, while the number of delegations remained constant at 387. More generally, he expressed the belief that one of the obstacles to the promotion and protection of human rights was the group system. Too often, group solidarity came at the expense of promotion and protection and it appeared that this took precedence over solidarity in the defence of human rights.

Eric Tistounet

The Office of the High Commissioner for Human Rights in Malawi

In January 1995, the first technical cooperation field office of the High Commissioner for Human Rights was established in Lilongwe, Malawi. Until then, United Nations human rights field offices had been set up only to monitor human rights violations within the framework of larger United Nations operations in support of post-conflict peacebuilding. Malawi, however, had just undergone a peaceful transition to democracy and the presence of the High Commissioner's office underlined the United Nations' commitment to assist the fledgling democracy. Since then, other OHCHR technical cooperation offices have been set up in Mongolia, Togo, Gaza, El Salvador, South Africa, Guatemala and Tanzania.

OHCHR involvement in human rights assistance to Malawi dates back to 1992 when a request was received at United Nations Headquarters from then-President Hastings Ka-muzu Banda. The President had asked for United Nations assistance in organizing a referendum on whether Malawi should continue with a one-party political system or adopt a multiparty system. The United Nations electoral assistance team which arrived in Lilongwe in November 1992 included, for the first time, representation by the then Centre for Human Rights to ensure that human rights concerns were integrated into the electoral framework. The Government accepted the recommendations of the team, including guarantees for freedom of assembly, association and the press, access by all political parties to the Government-controlled broadcast media, the release of political prisoners and establishment of an independent electoral monitoring body. Thereafter, the former Centre for Human Rights continued its involvement through expert advice and assistance provided in the preparations for the 1994 referendum and the country's first multiparty presidential and parliamentary elections which were held in May 1995.

Although Malawi had its democratically-elected Government in place with a new Constitution embodying a forceful Bill of Rights which came into effect as the new Government took power, the main challenges to establishing strong democratic institutions and to promoting a political culture respectful of human rights still lie ahead. To assist the Government in meeting that challenge, Mr. José Ayala Lasso, the first High Commissioner for Human Rights, visited Malawi shortly after the elections and concluded a joint agreement with the Government for a comprehensive programme of human rights assistance. An Office of the High Commissioner for Human Rights was established in Lilongwe as part of that agreement in order to implement the technical cooperation programme and provide ongoing advice and assistance to partners in Government, national institutions and civil society.

Photo: OHCHR

OHCHR-sponsored workshop on the National Human Rights Commission. A participant greets Vera Chirwa (seated), one of Malawi's most famous political prisoners who was released in advance of the 1993 referendum organized by the UN

Among the major advantages in setting up a field office to implement a technical cooperation programme are the capability of effectively following-up project activities and the opportunity of close collaboration on an ongoing basis with project counterparts. In Malawi, the main activities of the OHCHR have focused on providing human rights training to a wide variety of beneficiaries from Government, national institutions and civil society; and assisting the Government in the establishment and strengthening of national human rights institutions. In regard to training, for example, OHCHR has worked closely with major donors to the police reform programme to have the human rights component incorporated into the new training curriculum. To that end, OHCHR trained police trainers and adapted the OHCHR police training manual and other instructional material to fit the Malawi context. The Office has also been actively involved in training for NGO staff and Government officials responsible for reporting under human rights treaties.

However, the main activities of the Office have, to a significant extent, centred on the establishment and strengthening of national institutions. Foremost among those have been the National Compensation Tribunal, the Inspectorate of Prisons and the Human Rights Commission, all of which are provided for under the new Constitution. The purpose of the National Compensation Tribunal is to compensate victims of human rights abuses under the previous Government, which was in power for 30 years since 1964. OHCHR fielded three expert missions which provided crucial assistance to Government in drafting the enabling act for the Tribunal, the necessary amendments to the Constitution to clarify the composition of the Tribunal and the rules of procedure and guidelines for dealing with the thousands of claims received to date. The Tribunal is, in fact, one of very few such institutions in the world and faces formidable challenges in its efforts to satisfy the general public with the limited means at its disposal.

As regards the Inspectorate of Prisons, the Head of the OHCHR field office was co-opted as a member of the Inspectorate in 1995 under the relevant constitutional provisions. OHCHR thus participated in the inspection of police and prison cells throughout the country and facilitated the submission of the Inspectorate's first report to Parliament in 1996. OHCHR also participated in the Inspectorate's investigation into 17 deaths in police custody and assisted the Commission which was subsequently appointed by the President to report on the tragedy. In this way, close links were formed between OHCHR and the police, judiciary and prisons ser-vice, all of whom were committed to achieving progress in democratic reform and the protection of human rights.

Photo: OHCHR

Huts painted with traditional designs at Mua in Malawi

Lastly, OHCHR has provided key support in the establishment of a Human Rights Commission in Malawi. The High Commissioner's Office provided expert advice on the enabling act for the Commission which was only recently gazetted. On the basis of that act and the warm support expressed by the President, Malawi will have one of the best functioning human rights commissions to have been set up anywhere in recent years. OHCHR has already held one workshop with Government and civil society organizations on the proposed commission and will hold another later this year once the Commission is in place.

Another essential area of work for the Malawi Office has been the strengthening of human rights coordination mechanisms in the country. In the government sector, OHCHR has played a key role in supporting the Inter-Ministerial Committee on Human Rights and Democracy. The Committee is chaired by the Deputy Secretary to the President and Cabinet and is composed of senior staff from nine ministries, the judiciary, parliament and the police, with the Ombudsman, the Law Commissioner and OHCHR as observers. The Committee serves as the focal point on cross-cutting human rights issues and the main government interface with the donor community on human rights and democracy-related assistance. The Committee made recommendations to the President and Cabinet which resulted in the adoption, in 1995, of a Human Rights National Plan of Action and the accession of Malawi, in 1996, to three additional human rights treaties (the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol to the International Covenant on Civil and Political Rights). In 1996, the Committee organized a three-day conference, supported by OHCHR, on implementing the Human Rights National Plan of Action.

In the NGO sector, OHCHR has actively encouraged and participated, with observer status, in the Human Rights Consultative Committee, a forum for coordination among Malawian human rights NGOs. Since 1995, the Committee has met on a quarterly basis to exchange information on activities and facilitate coordination and cooperation among NGOs working on similar issues. To that end, the Committee has established a Sub-Group on Civic Education and is represented on the Local Government Task Force on Civic Education. Further cooperative activities have included a common effort to monitor parliamentary sessions and lobby on issues relating to democracy and human rights. The Chairmanship of the Committee is rotated among its participating organizations on a quarterly basis.

At the level of the donor community, OHCHR is a member of the Donor Sub-Committee on Democracy, Governance and Human Rights. The Sub-Committee is an informal grouping of representatives from the donor community based in Malawi which meets on a weekly basis to exchange views and information on developments in the areas of democracy, governance and human rights. The meetings serve to facilitate better coordination among donors in order to avoid duplication and foster, where appropriate, integrated approaches that maximize available international assistance. The Sub-Committee also serves as a focal point for circulating relevant proposals received from Malawian counterparts. Non-resident donor representatives active in democracy, governance and human rights issues also attend Sub-Committee meetings when visiting Malawi. Within the United Nations country team of resident agencies and programmes, the OHCHR office has a human rights resource function. UNICEF, for example, has included human rights presentations from the OHCHR office in workshops organized for Parliament and for the National Commission on Children.

The Office of the High Commissioner for Human Rights - Lilongwe was recently given a boost with the recruitment of a Malawian national as the new National Human Rights Project Officer who will serve as the country manager for the extensive human rights assistance project still underway in Malawi and will be responsible for organizing and coordinating all project activities. The transformation of the Office from international to national staffing is part of a joint OHCHR - UNDP effort to buttress national human rights capacity in Malawi through the recruitment of nationals as project officers.

Malawi is sometimes called the "Warm heart of Africa" and it has been a welcoming and receptive partner for OHCHR human rights assistance. The Malawi Field Office demonstrates the continuing commitment of the High Commissioner to remain actively engaged in strengthening human rights infrastructures in the country.

David Johnson

The Special Rapporteur on Torture: Some Issues Relating to Coordination with Human Rights Mechanisms

Coinciding with the May 1998 sessions of the Committee against Torture (CAT) and the Board of Trustees of the Voluntary Fund for Victims of Torture, a meeting was held between the members of these two bodies, the Special Rapporteur on torture of the Commission on Human Rights and the High Commissioner. The Special Rapporteur has in the past met regularly with each of these bodies for information and coordination purposes. However, this was the first meeting of the four United Nations mechanisms competent to deal with torture issues: a Joint Declaration was issued in the context of the United Nations International Day in Support of Victims of Torture (26 June 1998), an initiative which shows that efforts are being made to coordinate, support each other's activities and avoid duplication. It is important to note, however, that the nature of their respective mandates is very different and leaves little room for overlapping.

Two of these mechanisms, the CAT and the Special Rapporteur, have a monitoring function. However, if the CAT, as a treaty-based body, is the primary mechanism in this respect, it is logical to ask for elucidation of the role of the Special Rapporteur and how they coordinate their activities. This is the issue we will try to clarify briefly in the following paragraphs. In addition, the Special Rapporteur is one of the extra-conventional mechanisms of the Commission with which he also establishes some kind of coordination. Mention will also be made in the present article of some aspects of that coordination.

In his report to the 1993 session of the Commission[1], the Special Rapporteur states that his mandate reflects the fact that the international community has come to the conclusion that the prohibition of torture is an obligation for all States, whether or not they have ratified a treaty which explicitly defines that prohibition. With regard to those States which have not ratified the two conventions incorporating the prohibition of torture (the International Covenant on Civil and Political Rights and the Convention against Torture), the Special Rapporteur is the only available mechanism. More important, however, than the difference in geographical scope is the difference in character between the mandates of the CAT and the Special Rapporteur which establishes their complementarity.

The essential task of the CAT is to determine whether a State party is complying with the provisions of the Convention. It does so through three different mechanisms set forth in the Convention: examination of the State's periodic reports, the individual complaints procedure - for those States that have explicitly accepted its competence in this respect - and the inquiry procedure in cases of systematic practice of torture, whenever its competence to do so is not explicitly excluded. As for the Special Rapporteur, his mandate deals mainly with allegations of torture in any part of the world. If both have the same ultimate objective (entering into dialogue with Governments to persuade them not to allow the occurrence of torture in situations falling under their respective jurisdictions), their methods differ: the CAT examines the way in which the Convention is implemented, the emphasis being on the legal and institutional framework of the State concerned; the Special Rapporteur seeks to clarify the veracity of allegations and to encourage Governments to provide remedies for the victims.

As specified in his methods of work[2], the Special Rapporteur carries out three main types of activities. None of them, with the exceptions indicated below, are common to the CAT and all are conducted in a way that minimizes the risk of interfering with the CAT's activities.

The first type of activity is the transmission of urgent appeals to Governments with a view to clarifying the situation of individuals whose circumstances give grounds for fearing that they are being or might be subjected to torture/ill-treatment. Urgent appeals, when appropriate, are transmitted jointly with other bodies of the UN human rights machinery, more specifically, the thematic and country extra-conventional mechanisms set up by the Commission on Human Rights. When dealing with general issues of particular importance the transmission of the appeal can be

made public through a press release. The second type of activity is the transmission of allegations of individual cases as well as practices of torture based on credible and reliable reports received from intergovernmental and non-governmental organizations as well as Governments.

The Special Rapporteur has developed a mechanism to follow-up the actions he undertakes. Thus, he analyses responses from Governments and transmits the contents to the sources of the allegations for comment. If these comments contain new information that complements or contradicts the Governments' responses, the allegations are again transmitted with the request that the Governments make new comments. In theory, this dialogue could be pursued, its aim being to exert influence on the Governments concerned with the objective of helping the alleged victim obtain redress. In practice, the dialogue on individual cases or on factors that facilitate the occurrence of torture in a country faces certain imponderables. Firstly, because more often than not Governments do not respond to the allegations, even after receiving reminders, or reply simply by denying the facts. Secondly, because the sources of the information are not always in a position to pursue the cases and to keep the Special Rapporteur informed of developments, if any. On the other hand, the purpose of the exercise is not to adopt opinions on individual cases, like the Working Group on Arbitrary Detention, or to clarify cases, like the Working Group on Enforced or Involuntary Disappearances. The nature of a torture case is such that, in the absence of an independent judicial inquiry at the national level (a situation that occurs in the overwhelming majority of cases dealt with by the Special Rapporteur) it is almost impossible for the Special Rapporteur to ascertain that torture was inflicted in a particular case.

At the same time, the manner in which the individual cases are dealt with by the Special Rapporteur on the one hand, and by the CAT under the individual complaints procedure of the Convention on the other, is totally different, the latter being a quasi-judicial procedure that may conclude with the adoption of the Committee's views. In these circumstances, nothing prevents both mechanisms from dealing simultaneously or consecutively with the same case.

In recent years the Special Rapporteur has included observations on individual countries in his annual reports. This incipient practice allows him, *inter alia*, to comment on the information at his disposal and to refer to the concluding observations made by the CAT following examination of States' periodic reports. As for the CAT, its members constantly consult and make reference to the annual reports of the Special Rapporteur.

The third type of activity carried out by the Special Rapporteur concerns visits *in situ*. As indicated

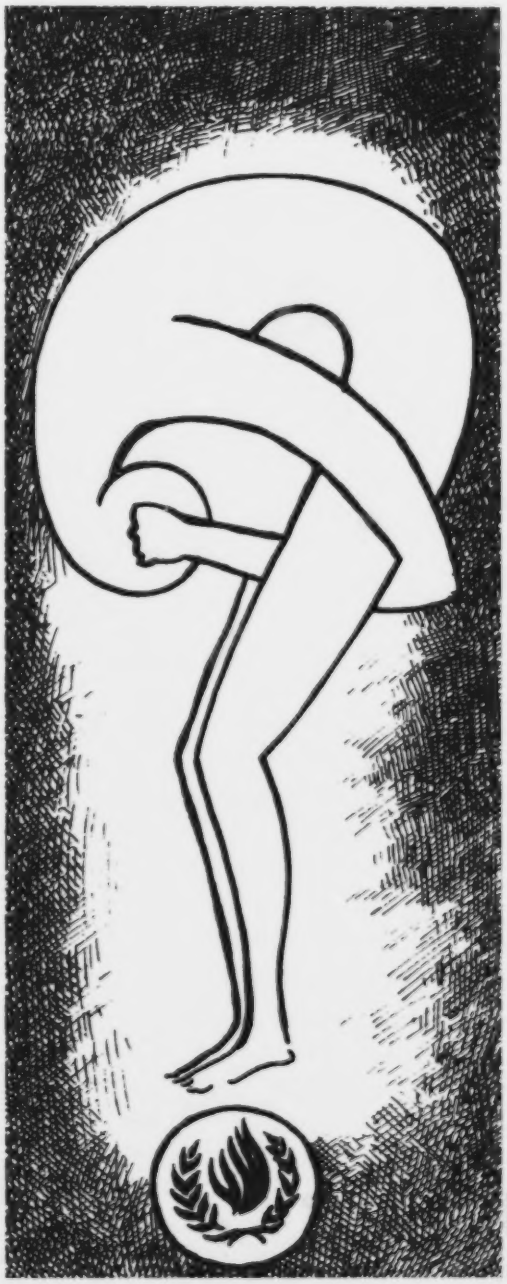


Photo OHCHR

Painting by a victim of torture - Exhibit organized by OHCHR on the occasion of the First UN Day in support of victims of torture, 26 June 1998

in his methods of work, the Special Rapporteur visits countries on invitation, but also takes the initiative of approaching Governments when the information received suggests the existence of a significant incidence of torture. The country visits constitute a very important component of the mandate and non-governmental organisations often lobby the Special Rapporteur for a visit to the countries in which they are interested. Obtaining an invitation, however, is often the result of a long process. Several years can elapse from the time the request is first made until dates are agreed upon with the Government in question.

Photo OHCHR

Painting by a victim of torture. Exhibit organized by OHCHR

The visits allow the Special Rapporteur to enter into a constructive dialogue with all sectors concerned and to address recommendations to Governments. It is, undoubtedly, a much more effective mechanism than the simple exchange of correspondence. The recommendations attempt to be as precise as possible, since they are intended to yield concrete results. As a mechanism of follow-up, the Special Rapporteur periodically reminds Governments concerned of the observations and recommendations formulated and requests information on the consideration given to them as well as the steps taken for their implementation, or the constraints which might have prevented their implementation. In theory, the Special Rapporteur can make follow-up visits but in view of the universality of his mandate his priority is to visit as many countries as possible in different regional groups. Follow-up visits have thus not been sought.

If the visit in itself can, and often does, have an impact on the country concerned, long-term results should be pursued. Further mechanisms should accordingly be developed to facilitate the implementation of the recommendations, the level of which remains low. It could be envisaged, for example, that those recommendations are systematically taken into consideration when contemplating the possibility and defining the characteristics of a technical cooperation programme launched by the Office of the High Commissioner with respect to the country in question. This, obviously, also applies to the recommendations made by all the conventional and extra-conventional protection mechanisms.

As indicated earlier, the Special Rapporteur tries not only to coordinate his activities with the bodies competent on torture issues but also with the extra-conventional mechanisms of the Commission on Human Rights. This coordination has resulted in a few joint activities, the most salient being the frequent transmission of joint urgent appeals. Joint country visits have also taken place but were very limited in number. Among the thematic extra-conventional mechanisms, those which seem closer to the Special Rapporteur on torture are the Working Group on arbitrary detention, the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on extrajudicial, summary or arbitrary executions. All deal with some of the most serious human rights violations, namely violations of the right to life, liberty and security as well as the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In a given situation a clear relationship between violations of these rights often exists as they all have similar root causes. These causes may exhibit common features from one country to another but they also have specificities that have to be analyzed with due regard to the national context in which they evolve.

A considerable amount of time and effort are spent by each of the above-mentioned mechanisms in assessing the circumstances in which the violations take place, their extent and possible remedies. These efforts are particularly exhaustive when they conduct country visits and elaborate the corresponding reports which are intended to be not only informative, but also to address specific recommendations to Governments. Moreover, each country visit should be given appropriate follow-up by the mechanism concerned with a view to pursuing the dialogue at the govern-

mental and non-governmental levels and monitoring closely the implementation of the recommendations, an arduous task in itself. Coordination with human rights field operations is also an area that needs to be further explored, since the efforts made until now have yielded no concrete results. Under the present system, a country-oriented action for the protection of the above-mentioned basic human rights does not exist, with the obvious exceptions of the limited number of countries for which specific mandates have been established. And yet, that kind of action seems necessary if the efficiency of the thematic mechanisms and, ultimately, the whole system of protection are to be streamlined.

With that objective in mind, it would not be unreasonable to envisage a more integrated approach, taking the form of a single mechanism with an extended mandate that would replace at least the four mentioned above; a mechanism that, at the same time, would rationalize the scarce resources available. The pros and cons would, obviously, have to be carefully examined but it should be recognized that the present system is far from ideal, despite the efforts made by the experts and rapporteurs to, *inter alia*, coordinate their activities.

[1] E/CN.4/1993/26
[2] E/CN.4/1997/7

Carmen Rueda-Castanon

Joint Declaration of the Committee against Torture, the Board of Trustees of the Voluntary Fund for the Victims of Torture, the Special Rapporteur of the Commission on Human Rights on questions relating to torture and the High Commissioner for Human Rights

The Committee against Torture, the Board of Trustees of the Voluntary Fund for the Victims of Torture, the Special Rapporteur of the Commission on Human Rights on the questions relating to torture and the High Commissioner for Human Rights meeting at the United Nations Office at Geneva on 19 May 1998,

Recalling the appeal against torture of the High Commissioner for Human Rights, in Copenhagen, on 28 June 1994, in which he stated that ending torture is a beginning of true respect for the most basic of all human rights: the intrinsic dignity and value of each individual;

Welcoming the decision of the General Assembly to declare 26 June the United Nations International Day in Support of Torture Victims;

Recognizing that torture is one of the vilest acts to be perpetrated by human beings upon each other;

Recognizing that torture is prohibited by article 5 of the Universal Declaration of Human Rights;

Recognizing that torture is a breach of a non-derogable human right and a crime under international law;

Urge all States to ratify the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment without reservation, if they have not already done so;

Urge States Parties to the Convention which have not yet accepted its optional provisions to do so as soon as possible;

Urge all States to ensure that torture is a crime in their domestic law and to rigorously pursue perpetrators whenever the act was committed and bring them to justice;

Urge all States to provide compensation and rehabilitation for the victims of torture in their domestic law;

Urge all States to contribute to the United Nations Voluntary Fund for the Victims of Torture as fully and as often as they can;

Urge all States to cooperate with the United Nations Special Rapporteur on Torture in fulfilling its mandate when requested to do so;

Consider that, by these means the vile crime of torture may be condemned and suppressed by all the people of the world.

The Office of the High Commissioner for Human Rights' Indigenous Fellowship Programme

Indigenous peoples worldwide have been attending human rights meetings at the United Nations for the last two decades. Their main goals have been to contribute to the promotion and protection of their own rights and freedoms, as well as to create institutional and political space for indigenous peoples within the United Nations. In many ways they have been very successful, although the United Nations has, to date, not adopted any new instruments on indigenous rights.

Since 1984, the United Nations has been working on a draft declaration on the rights of indigenous peoples. The draft declaration was adopted by the Working Group on Indigenous Populations in 1994 and endorsed by its parent body, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the same year. The draft declaration has already had some impact on the lives of indigenous peoples worldwide. The widespread response – including the reaction of indigenous peoples themselves – to the draft declaration is that the principles which it embodies constitute minimum international standards for the rights of indigenous peoples.

The discussion on the establishment of a "permanent forum" for indigenous peoples within the United Nations, initiated nearly a decade ago, is a continuing one. The idea of establishing such a forum on a permanent basis was introduced by indigenous peoples at the Working Group on Indigenous Populations in the latter part of the 1980's. The World Conference on Human Rights, held in Vienna in 1993, endorsed this idea and recommended that the United Nations consider the establishment of a permanent forum for indigenous peoples within its system.

The World Conference also recommended that the United Nations proclaim an international decade of the world's indigenous peoples. Accordingly, the General Assembly proclaimed the Decade (1995 - 2004) and established a voluntary fund for purposes of the decade. The General Assembly has also adopted a programme of activities for the decade.

VOLUNTARY FUND FOR THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

The Voluntary Fund for the Decade was established by the General Assembly in its resolutions 48/163, 49/214 and 50/157. The aim of the Fund is to assist the funding of projects and programmes which promote the goals of the International Decade, namely the strengthening of international cooperation for the solution of problems faced by indigenous people in areas such as human rights, the environment, development, education and health. The Fund also supports the implementation of the Programme of Activities of the Decade.

The Fund is open to indigenous organizations which seek small grants for projects and activities relating to the Decade, in particular those intended to strengthen human rights and institution- and capacity-building through education and training.

The Fund is administered by the Secretary-General and the Coordinator of the International Decade with the assistance of an Advisory Group comprising the five members of the Board of Trustees of the Voluntary Fund for Indigenous Populations, and the Chairperson of the Working Group on Indigenous Populations.

Contributions can be received from Governments, institutions, non-governmental organizations, foundations and individuals. Although the majority of funding comes from Governments, supporters of indigenous peoples are making contributions to the Fund on the basis of a percentage of royalties on books and music or other activity.

VOLUNTARY FUNDS

Photo: Nora Mahdi

Observers to the Working Group on Indigenous People, August 1997

As a result of those initiatives, at present there are three thematic working groups on indigenous issues: (1) The Sub-Commission's Working Group on Indigenous Populations; (2) the Commission on Human Rights' Working Group on the draft United Nations declaration on the rights of indigenous peoples; and (3) the Commission on Human Rights' Working Group on the Permanent Forum for indigenous peoples within the United Nations.

The creation of the Office of the United Nations High Commissioner for Human Rights' Indigenous Fellowship Programme is another major institutional development. In December 1995, the General Assembly recommended that an indigenous fellowship programme be created within the United Nations to assist indigenous peoples gain experience of the United Nations system, and in 1997, the High Commissioner for Human Rights (who is also the UN Coordinator of the International Decade of the World's Indigenous People) set aside funds from the UN Voluntary Fund for the International Decade to cover the costs of this pilot programme. The first Indigenous Fellowship Programme was launched in 1997, and four indigenous persons were awarded a six-month fellowship.

The 1998 Fellowship Programme runs from 1 June to 30 November 1998, at the Office of the High Commissioner in Geneva. The Fellowship includes travel to Geneva, accommodation, health insurance, and a monthly grant to cover other expenses. Four indigenous persons, Ms. Saoudata Aboubacrine (Touarégue from Mali), Mr. Estebancio Castro Diaz (Kuna from Panama), Ms. Tracey Te Aroha Whare (Maori from New Zealand), and Ms. Jennifer Williams (Lakota from the USA), were awarded fellowships in 1998. One indigenous person from Canada, Ms. Tracy McHugh (Siksika nation), was also accepted as a fellow, funded by her own organization - the Assembly of First Nations. The Programme is an important component of the United Nations Programme of Activities for the International Decade of the World's Indigenous People.

The Advisory Group of the Voluntary Fund for the International Decade of the World's Indigenous People, which was created by the Secretary-General for the purpose of advising the High Commissioner for Human Rights on the implementation of the Programme of Activities for the Decade, also makes recommendations relating to the selection of the Fellows. The selection process is governed by a set of guidelines and general criteria. For example, it is stated in the guidelines that the age of the candidate should not be a limitation to participation in the fellowship programme, although preference should be given to candidates in the 25-35 age bracket. With regard to formal education, it is stated that it should not be a limitation to participation given the severe socio-economic barriers confronted by many indigenous peoples that limit access to formal educa-

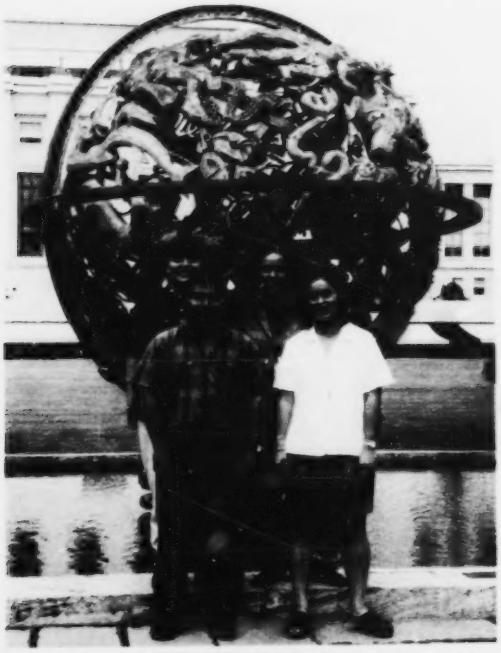


Photo: OHCHR

Fellows of the OHCHR programme for 1998: front from the left, Mr. Estebancio Castro Diaz and Ms. Tracey Te Aroha Whare; back from the left, Ms. Tracy L. McHugh and Ms. Jennifer Williams. Absent from the picture: Ms. Saoudata Aboubacrine

tional institutions. However, it is required that the fellows have a basic understanding of the English language.

The aim of the Programme is to give indigenous persons the opportunity to gain knowledge and skills in the field of international human rights in general and, more specifically, of indigenous rights in particular, in order to assist their organizations and communities in promoting and protecting the human rights of their people. It is a criterion that the candidate be proposed and nominated by an indigenous organization or community. It is desirable that the organization be representative and have an established constituency or membership. The programme is designed for indigenous persons supported by their organizations and communities who are committed to the understanding and promotion of international human rights and the process of development and implementation of international human rights standards.

The Fellowship Programme incorporates lectures, briefings, seminars, with monitoring of relevant UN meetings. It also includes individual research and group assignments. Another element is practical work in the Office of the United Nations High Commissioner for Human Rights (OHCHR), and some time is spent at the International Labour Organization.

The fellows are encouraged to work as a team. Discussions and information-sharing between fellows is an important element of the training programme. The team of fellows is a diverse group drawn from different cultural and geographical settings, with a unique type of experience. It is considered important for the learning process that the group be able to mobilize and release its experience and knowledge.

Each fellow is assigned a research project. The purpose of the individual research component is to give fellows an opportunity to investigate a specific human rights theme in collaboration with UN experts or relevant staff.

Briefings are an important part of the Fellowship Programme, and are given by staff of OHCHR, other UN staff, representatives of non-governmental organizations, governmental representatives and individual human rights experts.

The fellows will, for specified periods, be a part of the Indigenous Project Team at OHCHR. Participation in the work of the Project Team is an essential part of the practical training in the promotion and protection of human rights of indigenous peoples.

The fellows will also be monitoring relevant United Nations meetings, such as working groups, treaty bodies, commissions and meetings of specialized agencies, in particular the Working Group on Indigenous Populations, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and the Working Group of the Commission on Human Rights on the draft declaration on the rights of indigenous peoples.

This year, August was set aside for the non-governmental element of the Programme. The coordinator for the NGO element is the International Service for Human Rights (ISHR), a non-governmental organization in Geneva. ISHR has the required expertise and experience in the promotion and protection of human rights, and the fellows will participate in a training programme designed to assist human rights workers learn how to use existing international human rights mechanisms effectively.

The Indigenous Project Team within the Research and Right to Development Branch at OHCHR has responsibility for coordinating the Programme. Its implementation, however, constitutes an integrated cross-branch approach.

VOLUNTARY FUNDS

At the end of the six-month training programme each fellow should be conversant with the functioning of the United Nations system overall and, more specifically, with the international human rights instruments and mechanisms with special relevance to indigenous peoples. Fellows should also, at the end of the programme, be capable of giving basic training within their communities and organizations in the field of international human rights in general, and on indigenous rights in particular. Moreover, exposure to the functioning of the Office of the High Commissioner for Human Rights should enable fellows to gain practical work experience within the United Nations system.

The programme evaluation will take place in two phases: (a) at the end of the programme period, and (b) six months after the return of the fellows to their respective organizations and communities. The indigenous organizations and communities involved are asked to report back to OHCHR on their candidates' activities to put into practice the experience gained during the Fellowship Programme.

Indigenous peoples around the world, as well as several Governments, have expressed their support for and interest in the Programme which is seen as an important contribution to the indigenous capacity-building efforts. It is worth mentioning that the Government of the Netherlands will be supporting the Programme with funds for a Junior Professional Officer.

John Henriksen

HOW TO CONTRIBUTE TO THE FUND

Governments, institutions, non-governmental organizations, foundations, as well as individuals can contribute to the Fund. Contributions can be made at any time to the following accounts specifying **"For the United Nations Voluntary Fund for the International Decade of the World's Indigenous People - Account IV"**

Payments should be made to:

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Further information about the Fund can be obtained from the Fund's secretariat. Contact: Ms. Eulalia Ortado, Office of the High Commissioner for Human Rights, United Nations, 1211 Geneva 10, Switzerland, phone: 0041-22-9171524/9173394, fax:0041-22-9170099

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L'organisation des Nations Unies et la lutte contre le racisme et la discrimination raciale au seuil du XXIe siècle

La marche du temps nous rapproche inexorablement du siècle prochain. Pour les défenseurs des droits de l'homme, ceci peut être source d'anxiété lorsqu'ils voient, notamment, resurgir la bête immonde du racisme, de la discrimination raciale, de la xénophobie et des formes connexes d'intolérance.

Ce n'est pas faute d'avoir agit que la communauté internationale se trouve aujourd'hui à nouveau confrontée à ces fléaux puisque, dès sa création, la Charte de l'Organisation des Nations Unies, a eu, entre autres finalités de *"réaliser la coopération internationale (...) en développant et en encourageant le respect des droits de l'homme et des libertés fondamentales pour tous, sans distinction de race, de sexe, de langue ou de religion"*[1]

La mention de cette disposition spécifique dans la Charte a été inspirée, d'une part, par les réflexions suscitées par les horreurs de la seconde guerre mondiale au cours de laquelle a été mis en évidence le lien étroit entre la violence politique d'un gouvernement et les préjugés raciaux à l'égard d'autres peuples ou nations, et d'autre part, les politiques et pratiques détestables du colonialisme et de l'apartheid.

Pour les rédacteurs de la Charte des Nations Unies, de la Déclaration universelle des droits de l'homme et des principaux instruments internationaux des droits de l'homme, le racisme et la discrimination raciale sont parmi les atteintes les plus graves aux droits de l'homme. Ces fléaux peuvent mettre en péril la paix et la sécurité internationales.

Le racisme serait, selon une synthèse de sources disponibles, une doctrine pseudo-scientifique selon laquelle il existe une hiérarchie entre les races tant du point de vue biologique que culturel[2]. La discrimination raciale est la traduction aux plans économique, politique, social et culturel de cette doctrine; elle est définie à l'article 1er de la *Convention internationale sur l'élimination de toutes les formes de discrimination raciale*, le principal instrument des droits de l'homme en la matière, comme "... *toute distinction, exclusion, restriction ou préférence fondée sur la race, la couleur, l'ascendance ou l'origine nationale ethnique, qui a pour but ou pour effet de détruire ou de compromettre la reconnaissance, la jouissance ou l'exercice, dans des conditions d'égalité, des droits de l'homme et des libertés fondamentales dans les domaines politique, économique, social et culturel ou dans tout autre domaine de la vie publique*".

Dans cet article, on se propose d'examiner les formes et manifestations contemporaines du racisme, de la discrimination raciale et de la xénophobie ainsi que les stratégies mises en oeuvre par l'Organisation des Nations Unies pour les combattre.

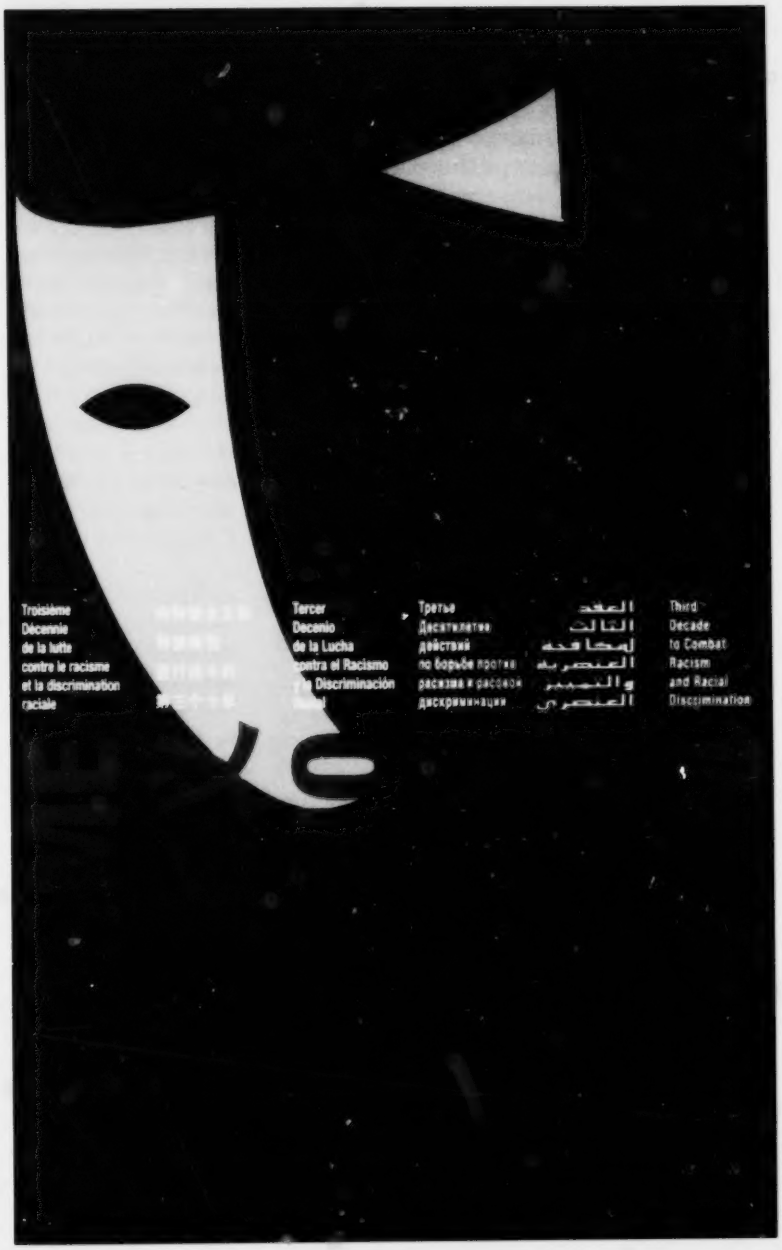
FORMES ET MANIFESTATIONS CONTEMPORAINES DU RACISME, DE LA DISCRIMINATION RACIALE ET DE LA XENOPHOBIE

En 1990, la fin officielle de l'apartheid a marqué la disparition de toute forme institutionnalisée de racisme et de discrimination raciale. Les formes et manifestations du racisme et de la discrimination raciale sont aujourd'hui, selon le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale et de xénophobie, *déguisées ou camouflées sous une égalité de principe* mais peuvent, notamment, transparaître dans la structuration de l'espace urbain ou national comme dans la justification de la division du travail; dans la perversion des valeurs du relativisme culturel et du droit à la différence comme dans les options éducationnelles, ainsi que dans la désinformation et la diffusion sélective de l'information.

Le nationalisme, dans sa forme exacerbée telle qu'elle s'exprime dans la doctrine de la *préférence nationale*, l'ethno-régionalisme et les conflits ethniques dont les formes les plus tragiques, en notre siècle, ont pris les dimensions de la *purification*

ethnique et du génocide, ont, en dernière analyse, en commun avec le racisme et la discrimination raciale, la négation radicale de l'altérité au profit de l'exaltation de la supériorité des groupes qui les prônent.

De nos jours, malgré les travaux bien connus de l'UNESCO[3] qui ont mis en évidence l'inanité des théories racistes, on assiste à la renaissance de ces théories et à leur diffusion à grande échelle par le biais des moyens de communication les plus modernes, notamment, INTERNET. S'agissant de l'antisémitisme, l'on assiste à la propagation du "révisionnisme", doctrine selon laquelle les chambres à gaz et les camps de concentration n'ont jamais existé, tout comme l'holocauste serait le fruit de l'imagination. Il est inquiétant de constater combien, dans plusieurs pays, la participation active à la vie publique de partis politiques et d'organisations qui prônent le racisme, la discrimination raciale et la xénophobie s'intensifient.


Troisième Décennie de la lutte contre le racisme et la discrimination raciale
Tercer Decenio de la Lucha contra el Racismo y la Discriminación
Третье Десятилетие действий по борьбе против расизма и расовой дискриминации
العقد الثالث لمكافحة العنصرية والتمييز العنصري
Third Decade to Combat Racism and Racial Discrimination
UN DPI Poster

Les immigrés, les réfugiés, les minorités ethniques, linguistiques, raciales et religieuses, les populations autochtones voient leurs droits fondamentaux de plus en plus bafoués par des individus ou des institutions qui ont pour référence le racisme et la discrimination raciale. Ces dernières années, l'on a enregistré un accroissement d'actes de violence contre les travailleurs migrants ainsi que la destruction de lieux de cultes et la profanation de cimetières appartenant à des minorités.

UNE STRATEGIE MULTIFORME DE LUTTE CONTRE LE RACISME ET LA DISCRIMINATION RACIALE

Une des premières actions menées par l'Organisation des Nations Unies a été de faire prendre conscience de la montée du racisme et de la discrimination raciale et de remobiliser la communauté internationale à travers la Conférence mondiale de 1993 sur les droits de l'homme et la proclamation

d'une troisième décennie de la lutte contre le racisme et la discrimination raciale.

LA TROISIÈME DÉCENNIE DE LA LUTTE CONTRE LE RACISME ET LA DISCRIMINATION RACIALE

La Conférence mondiale sur les droits de l'homme a fait de l'éradication du racisme et de la discrimination raciale, ainsi que d'autres formes et manifestations contemporaines de racisme, un objectif primordial de la communauté internationale, et a instamment demandé à tous les gouvernements "*d'agir sans attendre et d'élaborer des politiques vigoureuses pour prévenir et combattre toutes les formes et manifestations de racisme, de xénophobie et d'intolérance (...)*".

Le 20 décembre 1993, faisant écho à cette conférence, l'Assemblée générale a proclamé la Troisième Décennie de la lutte contre le racisme et la discrimination raciale assortie d'un programme d'action. Nombre d'actions et de recommandations ont été préconisées aux Etats dont celles de "*ratifier et d'appliquer les instruments [internationaux] prohibant le racisme et la discrimination raciale*"; "*d'examiner [les] programmes nationaux de lutte contre la discrimination raciale et leurs effets en vue d'identifier et de mettre à profit les possibilités de combler les fossés séparant différents groupes et en particulier dans les domaines du logement, de l'éducation et de l'emploi...*".

Dans le même contexte le Secrétaire général de l'ONU a été chargé d'organiser des séminaires sur divers thèmes. Ainsi, en septembre 1996, a eu lieu à Genève le *Séminaire d'évaluation de l'application de la Convention internationale sur l'élimination de toute les formes de discrimination raciale*[4] dont un des thèmes se rapportait à la propagande raciste et xénophobe sur les réseaux informatiques et électroniques. Ce séminaire a examiné, en particulier, les obstacles qui s'opposent à la pleine application au niveau national des dispositions de ladite Convention. Il a mis l'accent sur les difficultés liées à l'adoption de mesures destinées à éliminer toute incitation à la haine raciale et à la discrimination raciale ainsi qu'à l'interdiction des organisations qui se livrent à de telles actions.

Un deuxième séminaire portant sur le thème *immigration, racisme et discrimination raciale* s'est tenu à Genève en mai 1997 et avait, entre autres, pour objectif d'examiner les formes de racisme et de discrimination raciale auxquelles sont aujourd'hui confrontés les immigrants, notamment en matière d'emploi, d'entrée et de séjour dans certains pays, de regroupement familial ou d'accès à la nationalité du pays hôte[5].

Un troisième séminaire traitant du *rôle de l'internet au regard des dispositions de la convention internationale sur l'élimination de toutes les formes de discrimination raciale* a eu lieu à Genève en novembre 1997 et a mis en évidence l'existence de plus de deux cents sites qui de par le monde diffusent de la propagande raciste[6]. Dans ce contexte, les participants ont, entre autres, recommandé qu'un code de bonne conduite soit élaboré à l'intention et avec la coopération des fournisseurs d'accès à Internet afin de permettre la régulation du réseau et d'empêcher la diffusion d'informations controversées.

En outre, une loi-type sur l'interdiction de la discrimination raciale a été conçue par le Haut Commissariat des Nations Unies aux droits de l'homme aux fins d' aider les gouvernements à adopter des mesures législatives similaires[7].

DES MÉCANISMES EFFICACES DE LUTTE CONTRE LE RACISME ET LA DISCRIMINATION RACIALE:

Au delà des incitations à la prise de conscience et des mesures recommandées, l'action de l'ONU en matière de lutte contre le racisme et la discrimiantion raciale se renforce du contrôle qu'exerce sur la législation et les pratiques des Etats, deux mécanismes efficaces: le Comité pour l'élimination de la dicrimination raciale et le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée .

Chaque année, dix-huit experts "connus pour leur haute moralité et leur impartialité"[8] se réunissent à Genève ou à New York pour déceler les formes persistantes de la discrimination raciale à travers les rapports des Etats qui ont ratifié la Convention internationale sur l'élimination de toutes les formes de discrimination raciale, et recommander les mesures appropiées.

En près de trente ans d'activités, le Comité a accompli une oeuvre remarquable[9]. A ce jour, 143 Etats

ont ratifié la Convention dont il assure le contrôle, et plusieurs d'entre eux ont modifié leur constitution et leur législation de manière a en épurer les éléments discriminatoires et à mieux prendre en compte les droits des minorités et des populations autochtones. Un nombre toujours grandissant d'Etats reconnaissent la compétence du Comité pour recevoir les communications des individus qui s'estiment victimes de discrimination raciale et n'ont pas obtenu gain de cause auprès des tribunaux de leur pays.

Une des interventions les plus marquantes du Comité a été d'encourager les Etats à interdire les activités des organisations racistes et à veiller à ce que le droit à la liberté d'association, le droit à la liberté d'opinion et d'expression ne soient pas dénaturé au profit de la diffusion d'idées racistes et de la propagation de la haine raciale.

Ainsi, dans une recommandation de 1993, le Comité a considéré que l'interdiction de la diffusion d'idées fondées sur la supériorité ou la haine raciale peut être une restriction légitime du droit à la liberté d'opinion, d'expression et d'association tel qu'il est énoncé dans la Déclaration universelle des droits de l'homme.

Le Comité a aussi appuyé l'adoption par les Etats de mécanismes de conciliation et de procédures qui permettent aux victimes de la discrimination raciale d'accéder facilement à la justice et d'obtenir réparation.

Récemment, le Comité s'est orienté vers la prévention des conflits pouvant résulter de la discrimination raciale. Des mesures d'alerte rapide sont en voie d'élaboration afin d'empêcher les problèmes existants de dégénérer en conflits et, notamment, d'accroître la confiance en définissant et en soutenant les mécanismes à même de renforcer la tolérance raciale et la paix. A cet égard, les critères mis en avant pour décider d'une mesure d'alerte rapide pourraient être les suivants: l'absence de base législative suffisante pour définir toutes les formes de discrimination raciale et sanctionner les auteurs, comme le prévoit la Convention; l'application insuffisante de la Convention ou l' insuffisance de mécanismes de mise en oeuvre, y compris absence de procédures de recours; les manifestations de haine et de violence raciales systématiques; l'existence de propagande raciste ou d'incitations à l'intolérance raciale de la part de personnes, de groupes ou d'organisations, notamment d'élus ou d'autres responsables; la discrimination raciale systématique et manifeste révélée par les indicateurs économiques et sociaux; l'exode important de réfugiés ou de personnes déplacées résultant d'une discrimination raciale systématique ou d'empiétements sur les terres de communautés minoritaires. Dans ce cadre, le Comité pourrait entreprendre des actions sur le terrain ayant pour but de rétablir la confiance et de renforcer la tolérance mutuelle, notamment par des missions de bons offices de ses membres[10].

Mécanisme complémentaire du Comité sur l'élimination de la discrimination raciale, le Rapporteur spécial sur les formes contemporaines de racisme, de discrimination raciale, de xenophobie et de l'intolerance qui y est associée a été institué en 1993. Le mandat a été confié à un expert indépendant dont la fonction est d'étudier le racisme, la discrimination raciale et la xénophobie tels que ces phénomènes se manifestent dans le monde de nos jours.

Afin d'illustrer ses analyses par des exemples concrets, le Rapporteur spécial peut effectuer des missions sur le terrain. Il a déjà visité sept pays sur les cinq continents, mettant ainsi en évidence le caractère universel et multiforme du racisme et de la discrimination raciale[11].

Le Rapporteur spécial reçoit aussi de la part des individus, des ONG ou des Etats, des allégations de racisme, de discrimination raciale et de xénophobie qu'il transmet aux Etats concernés pour observation. Sur la base de conclusions tirées de l'étude des documents, et des constatations faites sur le terrain, le Rapporteur spécial fait rapport à la Commission des droits de l'homme et à l'Assemblée générale.

La fonction du Rapporteur spécial est un mécanisme novateur qui a contribué à donner une dimension pratique à la lutte contre le racisme et la discrimination raciale et qui, conjointement avec le Comité pour l'élimination du racisme et de la discrimination raciale, représente un dispositif essentiel dans ce domaine. Le Comité et le Rapporteur spécial se sont engagés dans un dialogue constructif en vue d'harmoniser leurs méthodes de travail, d'échanger des informations et de mener des réflexions sur la meilleure manière de contribuer à l'éradication de ces phénomènes.

LA CONFERENCE MONDIALE SUR LE RACISME, LA DISCRIMINATION RACIALE, LA XENOPHOBIE ET L'INTOLERANCE QUI Y EST ASSOCIEE

La conférence mondiale sur le racisme et la discrimination raciale, en préparation, est l'évènement majeure qui, au seuil du XXIe siècle devrait permettre à la communauté internationle de relever le défi que pose la recrudescence du racisme, de la discrimination raciale et de la xénophobie à la conscience de l'humanité dans un monde de plus en plus unifié par les mass média, les voyages intercontinentaux, les échanges commerciaux et les progrès technologiques.

Cette consultation mondiale doit se tenir au plus tard en 2001, autour des objectifs suivants[12]:

- examiner les progrès accomplis dans la lutte contre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée;

- étudier les moyens de mieux garantir le respect des normes en vigueur et des instruments mis en place pour combattre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée;

- sensibiliser l'opinion publique aux fléaux que sont le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée;

- formuler des recommandations concrètes sur les moyens de rendre plus efficaces les activités et mécanismes des Nations Unies dans le cadre de programmes visant à combattre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée;

- analyser les facteurs politiques, historiques, économiques, sociaux, culturels et autres qui engendrent le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée;

- formuler des recommandations concrètes pour l'adoption de nouvelles mesures aux niveaux national, régional et international visant à combattre toutes les formes de racisme, de discrimination raciale, de xénophobie et de l'intolérance qui y est associée;

- élaborer des recommandations concrètes pour garantir que l'Organisation des Nations Unies dispose des ressources financières et autres dont elle a besoin pour combattre le racisme, la discrimination raciale, la xénophobie et l'intolérance qui y est associée.

Gouvernements, organisations intergouvernementales, organes des Nations Unies, agences spécialisées et organisations non-gouvernementales sont encore une fois appelés à se mobiliser à la faveur de cette conférence pour faire triompher les principes d'égalité et de non-discrimination hautement proclamés par la Déclaration universelle des droits de l'homme.

CONCLUSION

En ce siècle finissant, l'Organisation des Nations Unies est appelée à faire évoluer les mentalités vers un monde plus intégré et plus fraternel. La conférence mondiale sur le racisme, la discrimination raciale et la xénophobie en offre l' occasion. Plus qu'un exercice purement rituel, elle devra forger les instruments nécessaires à la tranformation des coeurs et des esprits, seule gage du triomphe des idéaux et principes des droits de l'homme sur l'obscurantisme que tentent de propager les tenants du racisme et de la discrimination raciale.

Daniel Atchebro

NOTE

[1] Article 1 de la Charte de l'Organisation des Nations Unies.

[2] Voir notamment Arthur de Gobineau, *Essai sur l'inégalité des races humaines*, Paris, Firmin-Didot, 1938; Hernan Santa Cruz, *La discrimination raciale*, New York, Nations Unies, 1977, pp 26-27; Pierre André Taguieff, *La force du préjugé. Essai sur le racisme et ses doubles*, Paris, Gallimard, 1987, p.122; Pierre André Taguieff, *La Couleur et le Sang. Doctrines Racistes à la française*, Les Editions Mille et une Nuits, 1998.

[3] Voir UNESCO: *Science et racisme. Rapport du colloque organisé à Athènes par l'UNESCO (30 mars-3 avril 1981)*; Hernan Santa Cruz, *op. cit*, p. 22.

[4] Voir E/CN.4/1997/68/Add.1

[5] E/CN.4/1998/77/Add.1.

[6] E/CN.4/1998/77/Add.2.

[7] HR/PUB/96/2.

[8] Article 8, para.1 de la Convention internationale sur l'élimination de toutes les formes de discrimination raciale.

[9] Voir Nations Unies: *Les vingt premières années. Rapport intérimaire du Comité pour l'élimination de la discrimination raciale*, New York, 1992, HR/PUB/91/4; Michael Banton: *International Action Against Racial Discrimination*, Clarendon Press, Oxford, 1996.

[10] *Rapport du Comité pour l'élimination de la discrimination raciale*, A/49/18, P.5.

[11] E/CN.4/1995/78/Add.1; E/CN.4/1996/72/Add.4; E/CN.4/1996/72/Add.2; E/CN.4/1996/72/Add.1; E/CN.4/1997/71/Add.1; E/CN.4/1996/72/Add.3; E/CN.4/1997/71/Add.2.

[12] Voir résolution 52/111 de l'Assembée générale adoptée le 12 décembre 1997.

OHCHR Publications

Do you know your rights as a human being? Do you know how to defend and realize those rights? Far too many people are today still largely uninformed of their rights as human beings and of where they may turn for help when needed; they are unaware, for example, of the existence of national and international laws and institutions which, in many cases, are capable of defending them and countering abuses.

Providing people with answers to the questions above, is to empower them through the knowledge and acquisition of their rights - one of the priorities of the Office of the High Commissioner for Human Rights. The production and wide distribution of publications is one of the tools for raising awareness, disseminating information and educating for and about human rights.

THE WORLD INFORMATION CAMPAIGN ON HUMAN RIGHTS

Ten years ago, in its resolution 43/128 of 8 December 1988, the United Nations General Assembly launched the World Information Campaign for Human Rights designed to increase understanding and awareness of human rights and fundamental freedoms and educate the public with regard to the international machinery available for the promotion and protection of those rights and freedoms and the efforts of the United Nations to make them a reality.

In keeping with the objectives of the Campaign, the then Centre for Human Rights developed an information and education programme based on five main areas of activity: the publications programme; the translation programme; briefings, exhibitions and human rights observances; fellowships and internships; and workshops, seminars and training courses. At that time, a new series of publications giving basic information on human rights, such as the *Fact Sheet Series*, the *Human Rights Study Series*, the *Human Rights Newsletter*, the *Human Rights Bulletin* (the two latter now discontinued), was launched.

THE WORLD CONFERENCE ON HUMAN RIGHTS

In 1993, the World Conference on Human Rights reaffirmed that "the dissemination of proper information, both theoretical and practical, play an important role in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels"[1].

As stated in the Vienna Declaration and Programme of Action[2], the World Conference on Human Rights considered human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. It also underlined the importance of strengthening the World Public Information Campaign for Human Rights and stated that Governments, with the assistance of intergovernmental organizations, national institutions and non-governmental organizations, should undertake effective dissemination of public information in the field of human rights to promote an increased awareness in this field. The World Conference on Human Rights also stated that the advisory services and technical assistance programme of the United Nations system should be able to respond immediately to requests from States for educational and training activities in the field of human rights as well as for special education concerning standards as contained in international human rights instruments and in human rights law and their application to special groups such as the military, law enforcement personnel, the police and the health professions. In keeping with the above guidelines the *Professional Training Series* was launched.

PUBLICATIONS

THE FIFTIETH ANNIVERSARY OF THE UDHR

The 50th Anniversary of the adoption of the Universal Declaration of Human Rights, which occurs this year, has provided a focus and renewed impetus to the promotional activities of the United Nations system in the field of human rights. The new series *Basic Information Kits on the 50th Anniversary of the Universal Declaration of Human Right* was launched and other basic publications (*Human Rights: Questions and Answers* is a case in point), were revised in collaboration with the Department of Public Information .

OHCHR PUBLICATIONS

The Office of the High Commissioner for Human Rights produces two categories of publications: for free distribution and for sale.

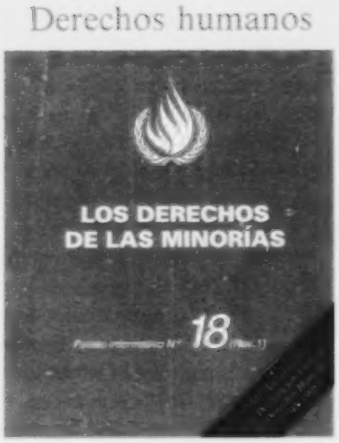
Publications free of charge - some examples in that category are *Human Rights, Fact Sheets, Basic Information Kits on the 50th Anniversary of the Universal Declaration of Human Rights* and certain ad hoc publications which can be requested directly from the Office of the High Commissioner for Human Rights. Their reproduction in languages other than the official United Nations languages is encouraged provided that no changes are made to the contents and that the Office of the High Commissioner for Human Rights is advised by the reproducing organization and given credit as being the source of the material.

Publications issued as United Nations sales publications, the *Professional Training Series* and the *Study Series* are examples, and certain reference and ad hoc publications can be ordered from Sales and Marketing of Publications Section, with offices in Geneva and New York. United Nations sales publications are protected by copyright.

What follows is a brief description of available series and titles that the Office of the High Commissioner for Human Rights has produced so far.

FACT SHEET SERIES

A series of booklets directed at a non-specialized audience and dealing with selected questions of human rights that are under active consideration or are of particular interest. Human Rights Fact Sheets are intended to assist an ever-wider audience in better understanding basic human rights, the efforts of the United Nations for their promotion and protection and the international machinery available to help realize those rights. The Fact Sheets are free of charge and distributed worldwide. So far, 25 issues have been published in all UN official languages:



No. 1 *Human Rights Machinery* (pending revision)

No. 2 *The International Bill of Human Rights* (Rev.1)

No. 3 *Advisory Services and Technical Cooperation in the Field of Human Rights* (Rev.1)

No. 4 *Methods of Combating Torture*

No. 5 *Programme of Action for the Second Decade to Combat Racism and Racial Discrimination*

No. 6 *Enforced or Involuntary Disappearances* (Rev.2)

No. 7 *Communication Procedures*

No. 8 *World Public Information Campaign for Human Rights* (pending revision)

No. 9 *The Rights of Indigenous Peoples* (Rev.1)

No. 10 *The Rights of the Child* (Rev.1)

No. 11 *Extrajudicial, Summary or Arbitrary Executions* (Rev. 1)

No. 12 *The Committee on the Elimination of Racial Discrimination*

No. 13 *International Humanitarian Law and Human Rights*

No. 14 *Contemporary Forms of Slavery*

No. 15 *Civil and Political Rights: The Human Rights Committee*

No. 16 *The Committee on Economic, Social and Cultural Rights* (Rev.1)

No. 17 *The Committee against Torture*

No. 18 *Minority Rights* (Rev. 1)

PUBLICATIONS

No. 19 *National Institutions for the Promotion and Protection of Human Rights*

No. 20 *Human Rights and Refugees*

No. 21 *The Human Right to Adequate Housing*

No. 22 *Discrimination against Women: The Convention and the Committee*

No. 23 *Harmful Traditional Practices Affecting the Health of Women and Children*

No. 24 *The Rights of Migrant Workers*

No. 25 *Forced Eviction and Human Rights*

Professional Training Series

An important teaching and educational tool is the established Professional Training Series. It consists of handbooks and manuals intended to increase awareness of international standards and is directed to a specific target audience selected for its ability to influence the human rights situation at the national level such as social workers or the police. Although primarily designed to provide support to the training activities under the Technical Cooperation Programme of OHCHR, these publications could also serve as practical tools for those involved in human rights education for professional groups. The training manuals issued in the Professional Training Series are, by design, adaptable to the particular needs and experience of a range of potential audiences within the target group, in terms of culture, education and history. Where appropriate, information on effective pedagogical techniques is included to assist trainers to use the manuals as effectively as possible. Each manual or handbook is prepared with the assistance of experts in the relevant fields and is subject to extensive external review and appraisal; it is often tested in training sessions prior to its finalization. They are issued as United Nations sales publications.

No. 1 *Human Rights and Social Work: A Manual for Schools of Social Work and the Social Work Profession*

No. 2 *Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections*

No. 3 *Human Rights and Pre-Trial Detention: A Handbook of International Standards relating to Pre-Trial Detention*

No. 4 *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*

No. 5 *Human Rights and Law Enforcement: A Manual on Human Rights Training for the Police*

No. 5/Add.1 *International Human Rights Standards for Law Enforcement: A Pocket Book on Human Rights for the Police*

Human Rights Study Series

The Human Rights Study Series reproduces studies and reports on important human rights issues prepared by experts of the Commission on Human Rights and of the Subcommission on Prevention of Discrimination and Protection of Minorities. They are issued as United Nations sales publications. So far, 10 issues have been published.

No. 1 *Right to Adequate Food as a Human Right*

No. 2 *Elimination of All Forms of Intolerance and Discrimination based on Religion or Belief*

No. 3 *Freedom of the Individual under Law: an Analysis of Article 29 of the Universal Declaration of Human Rights*

No. 4 *Status of the Individual and Contemporary International Law: Promotion, Protection and Restoration of Human Rights at National, Regional and International Levels*

No. 5 *Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities*

No. 6 *Human Rights and Disabled Persons*

No. 7 *The Right to Adequate Housing*

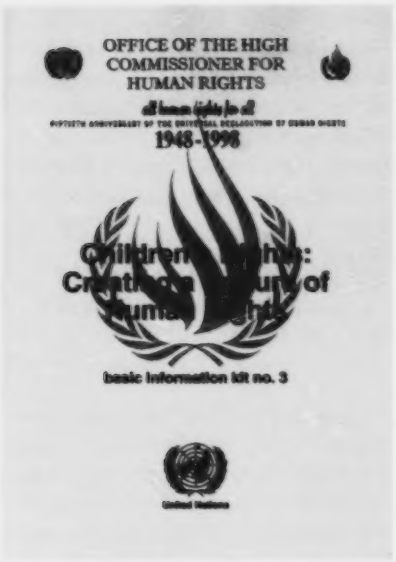
No. 9 *Internally Displaced Persons*

No. 8 *Sexual Exploitation of Children*

No.10 *Protection of the Heritage of Indigenous Peoples*

Basic Information Kits on the 50th Anniversary of the Universal Declaration of Human Rights

The series of basic information kits is intended as a working tool for agencies, programmes, non-governmental organizations and national institutions, as well as individuals, to assist in the commemoration of the 50th Anniversary of the Universal Declaration of Human Rights. Basic Information Kits are published in the French, English and Spanish and distributed throughout the world free of charge. Forth-



coming issues, focusing on human rights education and human rights defenders, are in preparation.

No. 1 *1998 - 50th Anniversary of the Universal Declaration of Human Rights*

No. 2 *Women's Rights the Responsibility of All*

No. 3 *Children's Rights: Creating a Culture of Human Rights*

AD HOC PUBLICATIONS

Ad hoc publications may consist of reports and proceedings of conferences, workshops and other events held under the auspices of the Office, and other documents issued on an ad hoc basis. They can be issued both as free of charge or as sales publications. What follows is a selection of titles issued.

ABC - Teaching Human Rights

Workshop on International Human Rights Instruments and Reporting Obligations: Preparation of Reports to United Nations Human Rights Treaty Bodies (Moscow, 26-30 August 1991)

African Seminar on International Human Rights Standards and the Administration of Justice (Cairo, 8-12 July 1992)

Teaching and Learning about Human Rights - A Manual for Schools of Social Work and the Social Work Profession

United Nations Workshop for the Asia-Pacific Region on Human Rights Issues (Jakarta, 26-28 January 1993)

HIV/AIDS and Human Rights - International Guidelines

Manual on Human Rights Reporting

REFERENCE MATERIAL

The reference publications of the Office of the United Nations High Commissioner for Human Rights are directed to a more specialized audience and often consist in collections or compilations of international instruments. They are issued as United Nations sales publications.

United Nations Reference Guide in the Field of Human Rights

United Nations Action in the Field of Human Rights

Human Rights: A Compilation of International Instruments, vol. I, parts I and II

Human Rights: A Compilation of International Instruments - Regional Instruments, vol. II

Human Rights: Status of International Instruments

Human Rights: International Instruments. Chart of Ratifications - updated every six months

Human Rights Bibliography, 5 vols.

CONCLUSIONS

It is the hope of the Office of the High Commissioner for Human Rights that the publications issued will guide readers to a heightened awareness of their own rights and, therefore, encourage them to undertake small but significant steps towards ensuring the securement of the rights of others contributing, in this way, to a more tolerant and peaceful society.

Giovanna Zucchelli

NOTES

1. A/CONF.157/23, Part I, paragraph 33
2. A/CONF. 157/23, Section D, paragraphs 78-82

Since the United Nations Human Rights website was made accessible globally (10 December 1996), it has been visited by users from at least 123 countries worldwide.
Statistics on usage for the period 1 February to mid March 1998 show a weekly average of approximately 6 000 user sessions, a growth rate of 200% over the mid November to end December 1997 period.
During the six-week session of the Commission on Human Rights, 8 000 user sessions were recorded; an average of approximately 150 000 pages per week were retrieved.
These numbers prove the success of the project, encourage us to meet expectations and reinforce our commitment to work for its continuing maintenance, improvement and updating. In the context of this continuing commitment, your comments and/or suggestions play a pivotal role.
The special E-mail address:
webadmin.hchr@unog.ch
which appears at the bottom of all our site menus has been created for this purpose.

www.unhchr.ch

Depuis sa mise en service sur le Web le 10 décembre 1996, le site du Haut Commissariat aux droits de l'homme a été visité par des utilisateurs d'au moins 123 pays à travers le monde.
Du 1 février à la mi-mars 1998, on a enregistré en moyenne 6 000 visites hebdomadaires du site: 200% de plus par rapport à la période mi-novembre - fin-décembre 1997.
Pendant les six semaines de la Commission des droits de l'homme, plus de 8 000 utilisateurs se sont connectés au site. En outre, environ 150 000 pages ont été consultées chaque semaine.
Ces indications démontrent le succès du projet et nous encouragent à renforcer notre engagement, et à accentuer nos efforts pour son amélioration et sa mise à jour.
Vos commentaires et suggestions jouent un rôle important. Dans ce but, nous avons créé spécialement une adresse électronique:
webadmin.hchr@unog.ch
où nous attendons vos remarques.

Calendar / Calendrier*
July - September 1998 / juillet - septembre 1998

* In Geneva unless otherwise specified / à Genève sauf contre-indication

Committee on the Elimination of Discrimination against Women – (New York)	22 June/juin 10 July/juil.	Comité pour l'élimination de la discrimination à l'égard des femmes – (New York)
Board of Trustees of Voluntary Fund for Technical Cooperation in the Field of Human Rights	6-8 July/juil.	Conseil d'administration du fonds de contributions volontaires pour la coopération technique
Pre-sessional Working Group of the Human Rights Committee	6-10 July/juil.	Groupe de travail présession du Comité des droits de l'homme
Human Rights Committee	13-31 July/juil.	Comité des droits de l'homme
Working Group on Enforced or Involuntary Disappearances – (New York)	13-17 July/juil.	Groupe de travail sur les disparitions forcées ou involontaires – (New York)
Sub-Commission, Working Group on Communications	20-31 July/juil.	Sous-Commission, Groupe de travail sur les Communications
Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories	21 July/juil.	Comité spécial chargé d'enquêter sur les pratiques israéliennes affectant les droits de l'homme du peuple palestinien et des autres Arabes des territoires occupés
Inter-Agency Consultation on Indigenous Peoples	24 July/juil.	Consultation inter-agences sur les populations autochtones
Sub-Commission, Working Group on Indigenous Populations	27-31 July/juil.	Sous-Commission, Groupe de travail sur les populations autochtones
Sub-Commission on Prevention of Discrimination and Protection of Minorities	3-28 August/août	Sous-Commission de la lutte contre les mesures discriminatoires et de la protection des minorités
Committee on the Elimination of Racial Discrimination	3-21 August/août	Comité sur l'élimination de la discrimination raciale
Meeting of States Parties -International Covenant on Civil and Political Rights – (New York)	10 Sept./sept.	Réunion des Etats parties au Pacte international relatif aux droits civils et politiques
Meeting of Persons chairing the Human Rights Treaty Bodies	14-18 Sept./sept.	Réunion des Présidents des organes créés en vertu d'instruments internationaux relatifs aux droits de l'homme
Working Group on Arbitrary Detention	14-18 Sept./sept.	Groupe de travail sur la détention arbitraire
Committee on the Rights of the Child	21 Sept./sept. 9 Oct./oct.	Comité des droits de l'enfant
Commission on Human Rights, Working Group on the Draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	28 Sept./sept. 16 Oct./oct.	Groupe de travail chargé d'examiner le projet de protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants

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